

BOARD OF SELECTMEN
MINUTES
JUNE 18, 2012

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7PM in the Selectmen's Room.

Present were Carmin C. Reiss, Chair; Jeffrey Wieand, Clerk; Steven Ng, and Elise F. Woodward. Also present was Christopher Whelan, Town Manager.

Ms. Reiss called the Meeting to Order and announced that it is being recorded.

Call to Order

CONSENT AGENDA

Consent Agenda

- Town Accountant's Warrants
- Minutes: April 9, 23, and 24; May 7, 21, and 31, 2012
- Proclamation Ginger Landini
- Gift Acceptance: Community Chest \$5,900 to the Community Services Coordinator gift account [don't split the word] and \$5,750 to the Youth Coordinator gift account; Friends of Sleepy Hollow \$5,000 to Sleepy Hollow Cemetery gift account; REUSIT Inc. \$2,000 to the West Concord Junction Park Water Fountain gift account.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve the Consent Agenda as read.

EXECUTIVE SESSION MINUTES

ES Minutes

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve Executive Session Minutes of March 29, 2012 #1, 2, 3 and May 31, 2012 #1 and 2 not to be released at this time.

TOWN MANAGER'S REPORT

Town Manager's Report

1. Attorney Kevin Batt and Town Clerk Anita Tekle will present two workshop sessions on Open Meeting Law on June 27 at the Town House.
2. Crossing Guard Ginger Landini will retire on the last day of school after 47 years of service to the families of Concord.
3. The Crosby's Corner safety improvements project has received a notice to proceed. There will be a staff meeting with the contractors regarding traffic management during construction.
4. Concord Public Works is calling for water conservation from residents in anticipation of several 90° days. Nagog Pond is out of service and not available as a water resource.
5. The Town has been notified that representatives of Sister City Nanae will visit Concord in October to celebrate the fifteenth anniversary of the relationship.
6. The Community Transit Service Survey is available on the Town website. The MAGIC collaborative intends to gather information regarding transportation opportunities and challenges within and beyond town borders.

ADMINISTRATIVE POLICY AND PROCEDURE #10 – COMMITTEE APPOINTMENTS

APP #10

The Board acknowledged completion of the task of bringing this policy up to date. This includes the opportunity under special circumstances to extend committee terms, take a leave of absence, or respond to unique skill sets needed for the committee's task.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: Move to amend APP #10 as discussed.

PUBLIC HEARING: PLEDGE OF LICENSE COLONIAL INN

Pledge of License

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED To Open the Hearing

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Individuals who intended to speak in favor or opposition to the Pledge were asked to identify themselves and be sworn in. Attorney Paul Demoga was present on behalf of Bay State Savings Bank, the lender, to seek approval for the Pledge that will serve as security for repayment of a loan. Merry Hill, d/b/a Colonial Inn of Concord has refinanced its mortgage. Mr. Demoga stated that the agreement is a typical one in which if the creditor defaults the bank will take possession of the assets and hold the Alcoholic Beverages License until a buyer is found.

Mr. Demoga stated that the Inn has been in service to the community and travelers since 1716 and has a Common Victualler, Inn, and Entertainment License in addition to the Alcoholic Beverages License. Mr. David Grossberg stated on behalf of Merry Hill that no changes in service, premises, or staffing are anticipated. The Pledge agreement will carry forward without mention at the annual renewal of the License.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED To Close the Hearing

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED: to approve the Pledge of the All Alcoholic Beverages License of the Merry Hill Corporation d/b/a the Colonial Inn, Jurgen Demisch Manager, at 48 Monument Street to Bay State Savings Bank at 28 Franklin Street, Worcester, MA, for a term of ten years to secure repayment of loans pending final approval from the ABCC.

HISTORICAL COMMISSION UPDATE

Holly Larner, Chair of the Historical Commission, was present to update the Board on recent activities and initiatives, amongst which are the Demolition Delay Bylaw, the West Concord Historic Resources master plan, and utilization of CPA funds for historic resources. Ms. Larner stated that the Commission has reviewed the Demolition Delay Bylaw and anticipates submitting an Article to 2013 Town Meeting, feeling that the Town is vulnerable compared to protection of historic structures in similar communities. In her opinion, the best criteria for the bylaw would be based on an inventory of historic structures. The Commission is considering changing the demolition delay process such that there would be a penalty of up to 2 years if an incorrect process has been used. Determining the addition of historic structures to the inventory will be done not through Town Meeting vote but through Commission review.

Ms. Larner stated that there is grant funding available for the West Concord Historic Resources master plan. Planner Lara Kritzer will take the lead with hopes of identifying the consultant in August. The survey will begin in September and take up to one year. Volunteers will be needed to review records and make field visits to potential sites. The goal of the survey is to scope approximately 100 inventories in West Concord.

Regarding CPA funding, Ms. Larner stated that the Commission reviews applications for historic preservation projects. It is advisable to present the applications well before the deadline to allow complete analysis. Decisions to support are based on fit within the Resource Survey.

Discussion included: changes to the Demolition Delay Bylaw should include making it easier to understand; owner involvement in the process should be clear; new owners should be informed of bylaw limitations on their property; additions to the list are only done with the agreement of the owners; waivers to the bylaw are possible; the work of the Commission is important to both the tangible and intangible assets represented by historical properties; when a building of interest is demolished the Town loses that benefit; coordinating the permitting process is of critical importance when amending the demolition delay bylaw, to ensure that the owner is adequately informed; the Historic Districts Commission has authority over historic properties within the several historic districts; the Historic Commission has jurisdiction over the properties deemed to be historically significant and listed in the bylaw; the Historic Commission no longer plans to seek owner approval to include properties on the list, but to list properties that have been inventoried in the Bylaw; an owner could ask for his property to be included; the Commission

Historical Commission

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website will be updated to clarify the procedures; it would be useful to consider penalties for demolishing a protected building; the Commission will coordinate and consult with the other entities that interact on the Demolition Delay Bylaw; the Commission will seek Board support when the amended Bylaw is developed for Town Meeting.

HOMES ON ELM LOCAL INITIATIVE PROGRAM APPLICATION

Mr. Jack McBride of ABODE Builders of New England was present to seek Board support for the Local Initiative Program application regarding Homes on Elm at 1257 Elm Street. The application will be sent to the Department of Housing and Community Development. Mr. McBride stated that there will be 8 units in the development with prices of the 2-bedroom units set at \$152,500 and that of the 3-bedroom units at \$169,700. Two units will be affordable and count towards maintaining Concord's 40B commitment. The development is just past the Concord Light Plant and between the Lalli Woods and Elm Place developments and is less dense than either.

Mr. McBride stated that the Homes on Elm development features a team of local architects, developers and builders with a commitment to quality, energy efficiency, and building green. The plan calls for 50% open space and will be appealing both to young buyers and empty nesters. The development team has met with plan review staff that has made 3 recommendations: modify the garages to reduce the mass and impervious surfaces; maintain mature trees at the edges and to add understory plantings for privacy; provide emergency access connectivity to Lalli Woods and Elm Place.

Planning Director Marcia Rasmussen stated that while the Town is currently achieving its affordable housing goals, that is always at risk as some units are being eliminated and others are not permanently protected that the Town might lose its C40B status. The location of Lalli Woods, Elm Place, and the Homes on Elm development were identified in the Housing Production Plan update of 2010 as suitable for a small neighborhood surrounded by open space. Staff will continue its review of components of the plan such as stormwater removal, traffic, and road design. No building permit will be issued until the State completes its review of the application, conditions are set, and an appeal period is completed.

Discussion included: density is the only zoning waiver being sought; the normal review of the proposal will still occur notwithstanding support by the Board; the Zoning Board of Appeals will be asked to consider whether the development is detrimental to the neighborhood through its density, height, and lot line setbacks; the proposal is not eligible for a Planned Residential Development designation; Health, Police, Fire, Light, and Water & Sewer staff will be involved in reviewing plans for the development.

CITIZEN COMMENT

Jinglin Zhang, a Lalli Woods resident, stated that she was unhappy because that site was crowded and without a playground or parking for guests.

Leslie Svilkos, a resident of Elm Place, stated that 2-car garages were too much for the site and would add to traffic on the Rotary. There is already too much speeding traffic in the area.

Mathew Frank, also a resident of Elm Place, stated that the area is zoned single-family and the addition of 8 units would create too much density. In his opinion, no trees should be removed and the area should remain open space.

Allan Duchine, a resident of Elm Place, stated that the rest of the town does not have this density which will make the area less appealing while fulfilling a goal that is not felt by other residents.

Jared Dougan of 1245 Elm St. stated his support for affordable and smaller housing that enables people to remain in town or move to Concord. He stated that he was confident that the design issues mentioned would be addressed during the permitting process.

LIP

Citizen Comment

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Amy Barrett, representing the Concord Housing Development Corporation stated the Corporation's support for the project and the value of affordable housing in Concord.

In addition to support of the LIP application, it was the consensus of the Board to authorize the Chair to send a letter to DHCD indicating that the project is consistent with Town goals and that the proponent has expressed his commitment to develop building configuration and landscaping designs to mitigate increased density, to preserve the privacy of abutters, and to create amenities such as a walking loop to benefit abutters.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to authorize the Chair to sign the Local Initiative Program application of Jack McBride and ABODE Builders of New England in order to participate in the Department of Housing and Community Development-administered program to produce low and moderate income housing in Concord and to enable the Town to count the affordable units produced in the development towards maintaining its 40B goals.

INFORMATION FROM ASSESSORS FOR 2012 CLASSIFICATION HEARING

Town Appraiser Lane Partridge and Board of Assessors member Jim Sommers were present to seek information that the Board might anticipate needing in order to approve the tax classification rate in the fall. The Board of Assessors' role is to make recommendations to the Board on four matters regarding setting the tax rate: Residential Factor, Open Space Discount, Residential Exemption, and Small Commercial Exemption.

If specific, new, or different data regarding these components is required, the Assessors want to have enough time to provide thoughtful analysis. Discussion included: from time to time the Board has requested information in a timely fashion and yet historically it has reached the same decisions; the issues are always thoroughly vetted by the Assessors; nothing has changed in the recent past that would result in a different evaluation; should there be questions there is little time for either board to react; no citizens have approached the Assessors or the Board regarding the need for changes, particularly open space; nothing has changed that would cause the Board to doubt its decisions; it was the consensus of the Board that no new information was felt to be needed.

SELECTMEN GOAL-SETTING WORKSHOP

Mr. Whelan proposed draft goals for 2012-13 for Board discussion. Mr. Wieand stated that under Goal 3, he would like to see acquisition of the WR Grace land a priority and under Goal 2, to move forward with solar generation on the former landfill. Mr. Whelan noted that the RFP for solar generation will be public the first week of July. Ms. Woodward questioned whether conservation restrictions on the landfill would be too specific. Ms. Woodward questioned whether it was appropriate to drop efforts to increase affordable housing from Goal 2. She suggested it would fit within Goal 4, as would preserving cultural heritage.

Ms. Reiss stated that the Goals should assist the Board in reaching decisions on matters that come before it. The risk is that goals will become too diffuse to measure progress. Mr. Whelan stated that goals provide a metric for staff in deciding what effort would be expended on matters before it. He stated that departments will develop action goals. Ms. Reiss noted the need to address parking and lighting in goals. Further, she suggested adding to Goal 2, assessing the protections in place for municipal water resources. Ms. Reiss also suggested adding Increase and improve the coordination of policy fiscal issues among elected Town boards and officials. It was the consensus of the Board to continue its review, provide comments to the Chair, and discuss at a later meeting.

COMMITTEE LIAISON REPORTS

Ms. Woodward reported that she had attended the Board of Assessors Meeting.

Assessors

Goal Setting

Liaison Reports

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Mr. Wieand stated that he had attended the Library Committee Meeting which did not have a quorum. The Public Works Commission Meeting formally presented the new street signs that meet federal code that are proposed to be installed throughout town.

Mr. Ng attended the Recreation Commission Meeting. The Commission is taking bids on re-lighting Beede Pool to save money. The height of the trusses is an issue. The Maureen Taggart Award was granted to Marianne Staknis.

Ms. Reiss noted that the Bruce Freeman Rail Trail Committee has formalized the agreement with Acton regarding the 25% design process for the Route 2 crossing in Phase 2B. Contract negotiations between the School Committee and Concord Teacher Association are complete. The agreement is being ratified by the Teachers and the School Committee.

COMMITTEE NOMINATIONS

Mr. Wieand nominated Sandy Shen of 182 Minuteman Drive and Matthew Boger of 357 Nashawtuc Road to the Library Committee for terms to expire May 31, 2015.

Nominations

COMMITTEE APPOINTMENTS

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to appoint Paul Mahoney of 70 Seven Star Lane to the Community Preservation Committee as Selectmen's Representative for a term to expire 5/31/16; Peter Farrow of 69 Pleasant St. to the Conservation Restriction Stewardship Committee for a term to expire May 31, 2015.

Appt./Re-appt.

TOWN MANAGER APPOINTMENTS

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to confirm the Town Manager's appointment of Jill Appel of 244 Caterina Heights to the Comprehensive Sustainable Energy Committee for a term to expire May 31, 2014.

Town Manager
Appointments

ADJOURNMENT

On a motion duly made and seconded, it was:

VOTED: To adjourn the Open Session and to conclude business for the evening.

Adjourn

Steven Ng	Aye
Carmin C. Reiss	Aye
Jeffrey S. Wieand	Aye
Elise F. Woodward	Aye

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Jeffrey S. Wieand, Clerk